

REMARKS

This Amendment is submitted in response to the Official Letter dated October 15, 2004. Favorable reconsideration of the application, as amended, is respectfully requested.

Information Disclosure Statement:

The Examiner indicated that the two entries listed in the Other Documents section of the Information Disclosure Statement filed January 8, 2004, had been line through, and asserted that these documents were not proper listings for a PTO form 1449. Applicants note, with thanks, that the Examiner indicates that she has nevertheless reviewed the documents referenced in the citation.

Applicants further note that the MPEP 707.05(e) indicates that abstracts of patents are appropriate material for citation (see Examples 1 and 4), as are Electronic Documents retrieved from the Internet (Examples 5-11), as is information retrieved from a website (Example 12). Applicants' undersigned attorney was unable to find an exemplar format exactly on point (patent abstracts retrieved from the European Patent Office esp@cenet<sup>®</sup> website over the Internet), but nevertheless believes that the subject matter is proper for listing on a PTO form 1449. Accordingly, Applicants' undersigned attorney request that the Examiner cite the basis for the determination that these were not proper listings.

Oath/Declaration:

The Examiner indicated that the Oath or Declaration was defective for having non-initialed corrections in the residence of one inventor. A new Combined Declaration And Power Of Attorney is submitted herewith. It is noted that two inventors again made changes to their addresses on this document, but these changes were initialed and dated by the inventors.

Amendments to the Abstract:

The Examiner objected to the Abstract due to the use of the word "means". The Abstract has been amended to overcome the Examiner's objection.

Amendments to the Claims:

Applicants acknowledge with thanks the Examiner's finding that Claims 4, 7, and 9 contain allowable subject matter. Applicants have amended Claims 1 and 4. Applicants have cancelled Claim 2. Thus, Claims 1, and 3 through 11 are pending in the Application.

Rejections under 35 U.S.C. 102:

The Examiner rejected Claims 1, 2, 3, 5, 6, 8, 10, and 11 under 35 U.S.C. § 102 as being anticipated by EP 0 842 836 A2 to Taniguchi et al.

EP 0 842 836 A2 relates to a system for controlling vehicular motion and, in particular, to a system for controlling vehicular motion when an engine brake is applied to a vehicle or when a vehicle is in a turning state (see EP 0 842 836 A2, page 2, lines 14-16). To avoid under- or oversteering of the vehicle, this system increases the engine output to reduce the brake force applied by the engine brake and applies a brake force to the driven wheels of the vehicle, for example by means of a hydraulic brake (see EP 0 842 836 A2, page 3, lines 27 to 29). In case of an under- or oversteering tendency, an engine output correction value is calculated to increase the engine output, and target slip ratios are determined based on this calculated engine output correction value (see EP 0 842 836 A2, figure 25, steps S1080 and S1090). To avoid the vehicular motion becoming unstable, individual target slip ratios upper and lower limits are set (see EP 0 842 836 A2, page 25, lines 32 to 36). The brake force applied to the driven wheels then is controlled while taking into consideration the target slip ratios ranging between the upper and lower limits (see EP 0 842 836 A2, figure 25, step S1110).

On page 25, lines 37 to 48 EP 0 842 836 A2 further teaches that the control quantities (the engine output correction value and the target slip ratios) are calculated so

that the output torque from the internal combustion engine is increased (lines 40-41) and the braking force is applied to the outer drive wheel of the turning circle, i.e., the right rear wheel 222RR shown in figure 27B (lines 41-42). Moreover, the control quantities are calculated so that the braking force is applied to the outer driven wheel of the turning circle, i.e., the right front wheel 222FR shown in figure 27B, so as to reduce the lateral resistant force of the outer driven wheel (lines 43-46).

Contrary to the assertion of the Examiner (in her rejection of original Claim 2), the system disclosed in EP 0 842 836 A2 thus increases the output torque from the internal combustion engine and simultaneously applies a brake force to the outer driven front wheel (wheel 222FR in figure 27B). That this occurs simultaneously is illustrated in Fig. 31, and explained on page 27, lines 48 to 56, of EP 0 842 836 A2.

In contrast, however, the limitations contained in original Claim 2 and now incorporated into amended Claim 1 (that the "braking moment is first produced on the front wheel on the outside of the bend, and the additional drive moment is built up on the driven wheels only if the oversteer of the vehicle does not decrease after a predetermined period of time" (emphasis added)) are not disclosed in EP 0 842 836 A2.

Thus, it is clear that amended Claim 1, which is based on a combination of Claims 1 and 2 as previously presented, is neither anticipated nor rendered obvious by EP 0 842 836 A2, and allowance of this claim is respectfully requested.

The limitations of Claim 2 having been incorporated into Claim 1, Claim 2 is hereby cancelled, and Claim 4 is amended to depend from Claim 1 instead of cancelled Claim 2. Since all the dependent claims depend directly or indirectly from Claim 1, they are also patentable for at least the reasons put forth with regards to Claim 1, and allowance of these claims is also respectfully requested.

It is believed that the application is in condition for allowance. Accordingly, an early Notice thereof is respectfully requested.